

### **Frequently Asked Questions About the Plan for Law Clerk Hiring**

- Q** Does the Plan endorse Summer interviewing?
- A** No. Many judges would have opposed the Plan had it endorsed Summer interviewing. There was a concern that Summer interviews would be very inconvenient for many people. The reasons are manifold: many judges are away on vacation during the Summer; law clerk applicants are otherwise occupied with Summer jobs, vacations, foreign travel, and bar examinations (for recent graduates); law professors often are away on vacation and thus unavailable to furnish references; and law schools do not release grades on any uniform schedule, so official student transcripts from some law schools are not available until near September. However, the Plan does not forbid a law student who, say, is from Virginia and working in Tulsa during the Summer from talking with a judge who is otherwise available to chat. This has happened under existing hiring arrangements and the judges saw no reason to prohibit it under the new Plan. The main point, however, is that the formal hiring process will take place in the Fall when applications will be submitted and materials and references from the law schools will be sent to the judges.
- Q** How is "Fall" determined under the Plan?
- A** There is no fixed definition of Fall, nor is there any fixed starting date for the hiring season. Under existing arrangements, some judges do their hiring in September, some in October, and others do it even later. The Plan does not change this.
- Q** Under the Plan, can a third year law student or law graduate apply in the Fall of 2002 for a law clerk position for the 2004-2005 term?
- A** No. The only law clerk hiring that will be done during the Fall of 2002 will be by judges who are considering third year students or law graduates for clerkship positions during the 2003-2004 term. Pursuant to the Plan, all law clerk hiring for the 2004-2005 term will be done during the Fall of 2003.
- Q** Are judges forbidden from making "exploding offers," i.e., offers that require an applicant to respond promptly to an offer?
- A** The Plan does not purport to address how an offer is given by a judge. This is for each judge to determine. However, no applicant is obliged to act on an offer if the terms are unacceptable, nor is an applicant obliged to accept the first offer that he or she receives.
- Q** May a judge elicit or receive oral recommendations from law professors before the Fall hiring season?
- A** No. Faculty members should not send letters of reference or make calls on behalf of law clerk applicants before the Fall of the third year of law school.

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Chief Judge Edward R. Becker  
Judge Harry T. Edwards  
Co-Chairs of the Ad Hoc Committee